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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y

★ MAY 11 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK, CENTRAL ISLIP PART

LONG ISLAND OFFICE

DERRICK TRENT and BEVERLY TRENT, his wife,

CV 04 0061

Plaintiffs,

ORDER OF DISMISSAL

-against-

KMART HOLDINGS CORPORATION d/b/a KMART
d/b/a Big "K", Mark "Doe", Jason "Doe" and "John Doe",
the latter Being and intended to be agents, servants
and/or employees of the defendant KMART who
participated in the attack upon plaintiff described herein,
said names being fictitious, their true names being
presently being unknown to plaintiff,

WEXLER, J.

ORENSTEIN, J. M.

Defendants.

Upon the recommendation of Magistrate Judge James Orenstein and the consent of the
plaintiff it is hereby,

ORDERED that this action be and the same is hereby dismissed for lack of subject matter
jurisdiction pursuant to Rule 12(h)(3) of Federal Rules of Civil Procedure and it is further,
ORDERED that the Federal Civil Rights Cause of Action herein be dismissed without
costs.

So ordered

L LEONARD D. WEXLER
Sr. Judge, United States District Court

*CENTRAL ISLIP, NY
5/11/05*